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DAN SMOOT

UNDER THE GUISE OF CIVIL LIBERTIES

On July 1, 1964, the American Civil Liberties Union's executive director wrote a letter to Attorney General Robert Kennedy urgently requesting that the Justice Department stop all proceedings that might lead to conviction of officials of the Communist Party and communist front groups under the Subversive Activities Control Act of 1950, describing such proceedings as "nothing but harassment."

Less than two weeks later ACLU's Washington, D. C., director urged Republicans to include in their 1964 platform a promise to abolish the U. S. House Committee on Un-American Activities, which he called an instrument of "fear and oppression," because:

"The protection of the nation against subversion should be handled in a manner consistent with what it really is, a police problem for the professionally trained specialists of our law enforcement agencies."[1]

ACLU does not want laws enabling the government to handle communism as a police problem; yet, its reasons for wanting to abolish the HCUA is that communism should be handled as a police problem.[1]

In November, 1964, ACLU brought suit against the Santa Barbara, California, City Board of Education to prohibit it from forcing public school students to recite the pledge of allegiance to the U. S. flag. This case was quite different from others in which ACLU has managed to outlaw the pledge of allegiance because it contains the words "under God." In this case, ACLU contended that it violates a student's freedom of conscience to be forced to pledge allegiance to our flag, regardless of the religious phrase "under God." On April 30, 1965, the superior court in Santa Barbara upheld ACLU's contention, and ordered the Board of Education to stop forcing students to pledge allegiance to the flag.[2]

On October 8, 1965, an Oregon Circuit Court Judge, ruling in favor of a plaintiff represented by an ACLU attorney, decreed that Oregon's loyalty oath for teachers violates the free speech and due process provisions of the U. S. Constitution. Here is the text of that oath:

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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"I solemnly swear or affirm that I will support the Constitution of the state of Oregon and laws enacted thereunder, and that I will teach by precept and example respect for the flags of the United States and Oregon; reverence for law and order and undivided allegiance to the government of our country and the United States of America."[3]

Captain Howard Levy, an Army doctor, refused to carry out his duties to train American Special Forces (Green Berets) medics. Levy—who denies being a communist because, he says, communists are "too conservative"—accused Special Forces soldiers of being "killers of peasants, murderers of women and children." He made such statements in the presence of U. S. troops leaving for Vietnam.

In May, 1967, he was court-martialed. An ACLU attorney represented him.[4]

These are mere samplings of ACLU activities.

The story of how ACLU started, rose to power, and did what it has done to the United States of America is almost beyond belief.

The turmoil of World War I spawned a rash of organizations which provided outlets of expression and action for outcasts of American intellectual society—confirmed malcontents and perennial sophomores bent on subverting our governmental system. They were called *radicals*, which, in those days, meant anarchists, socialists, bolsheviks, or, simply, deranged inciters of violence against the American way of life.

The National Civil Liberties Bureau, with Roger Baldwin at its head, became a bellwether of radicalism in the 1920's.[5]

On January 12, 1920 (shortly after formation of the Communist Party in the United States), the National Civil Liberties Bureau became the American Civil Liberties Union. Among those who created ACLU were Roger N. Baldwin, Felix Frankfurter, William Z. Foster, Elizabeth Gurley Flynn, Dr. Harry F. Ward, Louis F. Budenz, Norman Thomas, Jane Addams, Arthur Garfield Hays, Morris Hillquit, Harold J. Laski, Robert Morss Lovett, Rabbi Judah L. Magnes, A. J. Muste, Scott Nearing, and Oswald Garrison Villard.[5] All were socialists. Norman Thomas was head of the socialist party. Foster, Flynn, Budenz, and Nearing (known, at the time, as adherents of that particular branch of the socialist revolution called communism) soon became prominent leaders of the official Communist Party. Ward, a professor at Union Theological Seminary, became a notorious communist-fronter.[6]

In 1920, a Joint Legislative Committee of the State of New York made an official report on revolutionary radicalism and subversive movements, characterizing the American Civil Liberties Union as "a supporter of all subversive movements." The report said that ACLU "propaganda is detrimental to the state," and that the organization "attempts not only to protect crime but to encourage attacks upon our institutions in every form."[5]

Despite general public contempt for ACLU in its early days, the organization acquired influence in the Wilson administration. The ubiquitous Colonel Edward M. House (who virtually ran the Wilson administration) encouraged seditious radicalism, because House wanted to tear down the American governmental system and rebuild it as a socialist dictatorship. Felix Frankfurter and Walter Lippmann (friends and proteges of House) were leading socialist "intellectuals"—and had influential positions in the Wilson administration.[5]

In 1922, communists (William Z. Foster, Scott Nearing, Robert W. Dunn, Benjamin Gitlow, Clarina Michelson) and socialists (Norman M. Thomas, Roger N. Baldwin, Morris L. Ernst, Freda Kirchwey, Lewis S. Gannett) established and staffed the American Fund for Public Service—commonly known as the Garland Fund, a *tax-exempt* foundation which became a major source of money for communist organizations, publications, and fronts. The Fund gave and lent money to ACLU for legal defense of "radical" law violators.[7]

By the end of that troubled postwar decade known as the Roaring Twenties, ACLU had become so notorious that the Congress became concerned. Report No. 2290 of the U. S. House of Representatives' Special Committee to Investigate

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Communist Propaganda (January 17, 1931) said:

"The American Civil Liberties Union is closely affiliated with the communist movement in the United States, and fully 90 percent of its efforts are on behalf of communists who have come into difficulty with the law. It claims to stand for free speech, free press and free assembly; but it is quite apparent that the main function of ACLU is to attempt to protect the communists in their advocacy of force and violence to overthrow the Government, replacing the American flag by a red flag."

Before ACLU was founded in 1920, Roger Baldwin was urging American communists and socialists to feign patriotism and avoid the appearance of being communists and socialists. By the mid-1930's, Baldwin was aggressively asserting that communism was his goal.[8] The seditious radicals of the 20's had moved into positions of authority in Franklin D. Roosevelt's new deal, and had virtually taken over the government. ACLU lawyer Felix Frankfurter was on the Supreme Court. Lucille Milner, one of the founders of ACLU, said:

"President Roosevelt's official family read like a roster of the Civil Liberties Union . . . . We found an open door to all the Federal Departments."[9]

An even brighter future was in store for the subverters of our nation. How much brighter is indicated by a telegram which President Lyndon B. Johnson sent to Roger Baldwin on January 20, 1964, on the occasion of Baldwin's 80th birthday. To this man, who worked to destroy the American constitutional system and to erect in its place a communist system, President Johnson said:

"As you observe your 80th birthday, I wish to salute you for your long career. Your unremitting fight against injustice and intolerance in this country and across the world has earned you the warm gratitude of countless individuals. In your life, you have shown a devotion to principle and force of personal character which will long be remembered by your countrymen. With cordial best wishes, Lyndon B. Johnson."[10]

ACLU's role in lobbying the *Brown versus Board of Education* decision through the Supreme Court on May 17, 1954, is, perhaps, ACLU's most damaging contribution to the breakdown of law and order and to the destruction of constitutional government. *Lobbying* is the right word. *Brown versus Board of Education* was not a legal or judicial decision. It was a political ukase. The Warren Court admitted that the Fourteenth Amendment was not intended to affect operation of public schools, but contended that, in view of current sociological opinions, the Amendment should now be *interpreted* as prohibiting racial segregation in public schools. The Court thus arrogated to itself power to rewrite our Constitution, revolutionize our society, and remake our laws, in compliance with the personal ideologies and whims of a majority of the Court.

Since that fateful decision in 1954, ACLU has helped lobby through the pro-communist Warren Court decisions which:

— virtually prohibit local, state, or federal authorities from removing communists from tax-supported jobs;

— make it next to impossible for law-enforcement agencies and legislative committees to investigate the communist conspiracy;

— absolutely prohibit state bar associations from denying membership to known communist lawyers;

— make it virtually impossible for the federal government to prosecute communist union officials who flaunt provisions of the Taft-Hartley law;

— make it illegal for state governments to prosecute communists, on the grounds that federal law preempts that field;

— render federal law quite impotent to prosecute communists;

— so burden law enforcement with senseless technicalities that many vicious criminals have been released from prison, and many heinous crimes go unpunished;

— make it impossible, or extremely difficult, for state courts to punish racial agitators who incite mobs to engage in violence and to commit depradations against private and public property;

— have resulted in outlawing any mention of God, or His Holy Word, in public school systems throughout the nation;

— have made it extremely difficult for law enforcement to control the widespread distribution and public exhibition of pornography.[11]

Since the day it was organized, the American Civil Liberties Union has provided legal aid and

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leadership for forces which are undermining the disciplines, morals, and traditions of our society; subverting our constitutional form of government; corrupting our youth; stirring up race hatreds; creating conditions bordering on anarchy.

One "accomplishment" which ACLU does not boast about, however, is the recruiting of Lee Harvey Oswald. The only public meeting that Oswald is known to have attended in Dallas, Texas, was a meeting of the American Civil Liberties Union on October 25, 1963. Lee Harvey Oswald joined ACLU that night in Dallas — less than one month before he murdered the President of the United States.[12]

Today, ACLU is one of the most aggressive and effective tentacles of the great octopus of power whose central body is in the Council on Foreign Relations.

Here is a partial list of persons who are (or, before their deaths were) members of the CFR and who are (or were) also officials or members of ACLU:

Ernest Angell (ACLU Board Chairman); Francis Biddle (ACLU National Committee Vice Chairman — former U. S. Attorney General); John Mason Brown (ACLU National Committeeman); Ralph J. Bunche (UN Undersecretary General); William Butler; Henry Seidel Canby (ACLU National Committeeman — deceased); Clifford P. Case (U. S. Senator — Republican, New Jersey); Richard S. Childs (Chairman, National Municipal League); Henry Steele Commager (ACLU National Committeeman); Norman Cousins (Editor, Saturday Review); Elmer Davis (Radio news analyst, deceased); William A. Delano (ACLU Board of Directors); Felix Frankfurter (retired Supreme Court Justice — deceased); Lewis Galantiere (ACLU Board of Directors); Lloyd K. Garrison (ACLU National Committeeman); August Heckscher (ACLU Board of Directors); Palmer Hoyt (ACLU National Committee Vice Chairman); John K. Jessup (ACLU Board of Directors); Harold D. Lasswell (Professor of Law, Yale University); Herbert H. Lehman (former Governor of New York and U. S. Senator, Democrat — deceased); Walter Lippmann (ACLU founder); Archibald MacLeish (former Librarian of Congress); Patrick M. Malin (ACLU Executive Director — deceased); Walter Millis (ACLU Board of Directors); Robert R. Nathan (former official in Roosevelt and Truman administrations); J. Robert Oppenheimer (ACLU National Committeeman — deceased); Elmo Roper (ACLU National Committeeman); Arthur M. Schlesinger, Jr. (ACLU National Committeeman — former Special Assistant to Presidents Kennedy and Johnson); Jerome B. Wiesener (former Special Assistant to Presidents Kennedy and Johnson).

Every program which has the effect of socializing America and involving her in the web of international socialism; every effort to cut the people adrift from moorings of spiritual faith, patriotism, and traditional morality: *all* are supported by the same group of influential tax-exempt organizations. The CFR is the control center, ACLU the foremost activist group, in this cabal.

An informed people would place constitutionalists at the helm of government and thus end the control now exercised by the CFR and its interlocking cohorts. To inform the people, I recommend wide distribution of *The Invisible Government*: 1 copy, $1.00; 6 copies, $4.00; 10 copies, $6.00; 25 copies, $12.00; 50 copies, $22.00; 100 copies, $40.00.

FOOTNOTES

(1) "Civil Liberties," editorial, *The Dallas Morning News*, August 10, 1964, Section 4, p. 2

(2) "Flag Pledge Up to Pupil, Judge Rules," *The Los Angeles Times*, May 1, 1965

(3) "Judge Holds Loyalty Oath Flaunts Law," *The* (Portland) *Oregonian*, October 9, 1965

(4) "Captain Adamant Against War Duty," *The New York Times*, May 10, 1967, p. 22; UPI dispatch from Ft. Jackson, South Carolina, *The Dallas Morning News*, May 18, 1967, p. A3

(5) *Revolutionary Radicalism, Part One: Subversive Movements*, Report of the Joint Legislative Committee of the State of New York Investigating Seditious Activities, J. B. Lyon Company, Albany, 1920, pp. 1000-1, 1012, 1019-22, 1033, 1062, 1077-1104, 1396-8, 1979-89

(6) *Investigation of Communist Activities in the New York City Area, Parts 6-8*, Hearings before the U.S. House Committee on Un-American Activities, July, 1953, pp. 2057, 2075-9, 2082-5, 2092, 2169-70, 2177, 2212, 2266

(7) *The American Fund for Public Service, Inc., Report for Four Years*, 1930-1934, *Summary of Twelve Years*, November, 1934; *Subversion in Racial Unrest*, Public Hearings of the Joint Legislative Committee of the State of Louisiana, March, 1957, 370 pp.; *Guide to Subversive Organizations and Publications*, U.S. House of Representatives Document No. 398, 1962, pp. 21-2

(8) Special Committee on Un-American Activities (Dies Committee), Investigation of Un-American Propaganda Activities in the United States, Volume I, 1938, pp. 161, 462, 533

(9) *The Politics of Upheaval*, by Arthur M. Schlesinger, Jr., Houghton-Mifflin Company, Boston, 1960, pp. 91-2

(10) *Civil Liberties*, Number 213, February, 1964, published by ACLU, 156 Fifth Ave., New York City. Roger Baldwin retired as ACLU Executive Director in 1950 but remained active in ACLU work, considering himself a "servant of the Board" of the ACLU.

(11) "Earl Warren Court — Part(s) I — IV," *The Dan Smoot Report*, March 22 — April 12, 1965, pp. 89-119 (price for set of 4: 75c)

(12) "Civil Liberties Union: Oswald Attended Group's Meeting," by George Carter, *The Dallas Times Herald*, December 11, 1963, p. A39; "JFK Making Rights Progress, Oswald Said to Acquaintance," by Kent Biffle, *The Dallas Morning News*, December 12, 1963, Section 4, p. 5; AP dispatch from New York City, *The Dallas Times Herald*, November 28, 1963, p. A42

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